

REMARKS

In response to the Office Action dated June 18, 2004, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-42 and 44-46 are pending in the application. Claims 1, 15, and 36 are amended to clarify that communications are through a secure tunnel. Claim 43 is canceled without prejudice or disclaimer. Claims 45 and 46 are added. Claim 45 and 46 contain no new matter and are supported by the specification, including the drawings and original claims.

The Office Action rejected claims 1-12, 15-22, 25-26 and 29-44 under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,545,601 to Monroe ("Monroe") in view of U.S. Patent No. 6,698,021 to Amini et al. ("Amini"), and further in view of U.S. Patent No. 6,271,752 to Vaios ("Vaios").

A *prima facie* case of obviousness under 35 U.S.C. 103(a) requires references that teach a suggestion of how to combine or modify the references so that the combination appears to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art. The Office Action failed to establish a *prima facie* case of obviousness for claims 1-12, 15-22, 25-26 and 29-44 for at least the following reasons.

None of the references, Monroe, Amini, or Vaios, teaches or suggests communication over a secure tunnel as claimed.

According to exemplary embodiments, a secure tunnel is a private path through a public network tunneled in such a way that the routing nodes in the public network are unaware that the transmission is part of a private network. A secure tunnel is made by encapsulating the private network data and protocol information within the public network transmission units so that the private network protocol information appears to the public network as data.

A secure tunnel is completely different from managing digital certificates and SSL communication, as disclosed in Amini. This is because, for example in an email

message, digital certificates only encrypt the body of the message and an interceptor could still tell it was a message sent by one person to another, while that same message over a secure tunnel would just be part of an encrypted data stream, indistinguishable from any other part of the data stream.

Independent claims 1, 15, 31, 36, and 41 each include communication over a secure tunnel. Claim 1 recites, *inter alia*, “a firewall in communication with the internal computer system, wherein the firewall is adapted to provide a secure tunnel and to verify identity information associated with the outside entity”. Claim 15 recites, *inter alia*, “establishing a communication session between the outside entity and the internal computer system over a secure tunnel”. Claim 31 recites, *inter alia*, “wherein the firewall creates a secured tunnel for the outside entity to access the internal computer system”. Claim 36 recites, *inter alia*, “(c) initiating a communication session between the internal computer system and the outside entity through a secure tunnel over an external computer network”. Claim 41 recites, *inter alia*, “(g) establishing a secured tunnel through a firewall associated with the internal computer system if both the first identity information and the second identity information are authenticated”.

These claimed features are not shown by any of the cited references, either taken alone or in combination. Therefore, claims 1, 15, 31, 36, and 41 are patentable over Monroe, Amini, and Vaios.

Claims 2-12 depend, directly or indirectly, from claim 1 and, thus, inherit the patentable subject matter of claim 1 in addition to the other elements. Therefore, claims 2-14 are also patentable over Monroe, Amini, and Vaios.

Claims 16-22, 25, 26, and 29-30 depend, directly or indirectly, from claim 15 and, thus, inherit the patentable subject matter of claim 15 in addition to the other elements. Therefore, claims 16-22, 25, 26, and 29-30 are also patentable over Monroe, Amini, and Vaios. New claim 46 includes the patentable subject matter of claim 15 and is patentable for the same reasons as claim 15.

Claims 32-35 depend, directly or indirectly, from claim 31 and, thus, inherit the patentable subject matter of claim 31 in addition to the other elements. Therefore, claims 32-35 are also patentable over Monroe, Amini, and Vaios.

Claims 37-40 depend, directly or indirectly, from claim 36 and, thus, inherit the patentable subject matter of claim 36 in addition to the other elements. Therefore, claims 37-40 are also patentable over Monroe, Amini, and Vaios.

Claims 42, 44 and 45 depend, directly or indirectly, from claim 41 and, thus, inherit the patentable subject matter of claim 41 in addition to the other elements. Therefore, claims 42, 44 and 45 are also patentable over Monroe, Amini, and Vaios.

The Office Action rejected claims 13-14, 27-28 and 31-44 under 35 U.S.C. 103(a) as being unpatentable over Monroe in view of Amini, and further in view of Vaios.

Claims 13 and 14 depend, directly or indirectly, from claim 1 and, thus, inherit the patentable subject matter of claim 1 in addition to the other elements. Therefore, for the reasons given above, claims 13 and 14 are also patentable over Monroe, Amini, and Vaios.

Claims 27 and 28 depend, directly or indirectly, from claim 15 and, thus, inherit the patentable subject matter of claim 15 in addition to the other elements. Therefore, for the reasons given above, claims 27 and 28 are also patentable over Monroe, Amini, and Vaios.

Claim 31 is patentable over Monroe, Amini, and Vaios for the reasons given above.

Claims 32-35 depend, directly or indirectly, from claim 31 and, thus, inherit the patentable subject matter of claim 31 in addition to the other elements. Therefore, for the reasons given above, claims 32-35 are also patentable over Monroe, Amini, and Vaios.

Claim 36 is patentable over Monroe, Amini, and Vaios for the reasons given above.

Claims 37-40 depend, directly or indirectly, from claim 36 and, thus, inherit the patentable subject matter of claim 36 in addition to the other elements. Therefore, for the reasons given above, claims 37-40 are also patentable over Monroe, Amini, and Vaios.

Claim 41 is patentable over Monroe, Amini, and Vaios for the reasons given above.

Claims 42, 44, and 45 depend, directly or indirectly, from claim 41 and, thus, inherit the patentable subject matter of claim 41 in addition to the other elements. Therefore, for the reasons given above, claims 42, 44, and 45 are also patentable over Monroe, Amini, and Vaio.

The Office Action rejected claims 23-24 under 35 U.S.C. 103(a) as being unpatentable over Monroe in view of Amini, and further in view of U.S. Patent No. 6,317,042 to Engelhorn ("Engelhorn").

Engelhorn also fails to disclose a secure tunnel.


Claims 23 and 24 depend, directly or indirectly, from claim 15 and, thus, inherit the patentable subject matter of claim 15 in addition to the other elements. Therefore, for the reasons given above, claims 23 and 24 are also patentable over Monroe, Amini, and Engelhorn.

For at least the reasons advanced above, it is respectfully submitted that the application is in condition for allowance. Accordingly, reconsideration and allowance of the claims are respectfully requested. The Examiner is cordially requested to telephone, if the Examiner believes that it would be advantageous to the disposition of this case.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment, which may be required for this amendment, to Deposit Account No. 06-1130. In the event that an extension of time is required, or may be required in addition to that requested in any petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this

response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 06-1130.

Respectfully submitted,

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